

REMARKS

The last Office Action of April 25, 2008 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-10 are pending in the application. No amendment has been made.

Claims 1-4, 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Pat. Publ. No. JP 2001-107195A (hereinafter JP '195).

Applicant respectfully disagrees with the Examiner's rejection of claim 1 for the following reasons:

The present invention, as set forth in claim 1, is directed to a spring element which is made from **ferritic** chromium steel. In contrast thereto, JP '195 relates to a **martensitic** steel. In other words, the steel of the present invention and the steel of JP '195 have different structure and thus are completely different. Reference is made to the attached excerpt from the Technical Book "Nichtrostende Stähle [*Non-Rusting Steels*]", 1989, Illustration 2.02 on page 18, which shows in a) a steel of ferritic structure, and in b) a steel with martensitic structure. In addition, reference is made to the attached excerpt of DE FERRI METALLOGRAPHIA, 1966 and in particular to section 7.2.3, relating to ferritic steels and to section 7.2.6 relating to martensitic steel to document the differences between ferritic steels and martensitic steels. The difference in the structure can also be seen by comparing, on one hand, illustration 1 on page 141 and illustrations 1, 3, 5, 7 on page 142, relating to ferritic steels, and, on the other hand, illustrations 1, 3, 4 on page 182, relating to martensitic steels.

The composition of the steel, as set forth in claim 1, includes a high carbon content to ensure in combination with the stated chromium content a stable ferritic structure at room temperature. The high carbon content hereby lowers the M_s temperature at which the martensitic transformation begins far below the room temperature so that the steel remains ferritic at room temperature and does not undergo a change in structure.

For the reasons set forth above, it is applicant's contention that JP '195 neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the claims on file. It is thus felt that no specific discussion thereof is necessary.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: September 19, 2008
708 Third Avenue
Suite 4714
New York, N.Y. 10017
(212)244-5500
HMF:ys